

AMENDED IN ASSEMBLY JUNE 9, 2005

AMENDED IN SENATE APRIL 12, 2005

**SENATE BILL**

**No. 967**

**Introduced by ~~Senator Perata~~ Senators Florez and Ashburn  
(Principal coauthor: Senator Perata)**

February 22, 2005

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~~An act to amend Section 65105 of the Government Code, relating to local planning. An act to add Section 56328.5 to the Government Code, relating to local agency formation commissions.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 967, as amended, ~~Perata Florez. Local planning: inspection warrants. Local agency formation.~~

*Existing law sets forth the composition of and procedures for the selection of members of local agency formation commissions within each county. Under existing law, these commissions are composed of 5 members, 2 representing the county, 2 representing the city or cities within the county, and one representing the general public. These commissions are augmented by 2 members where the county orders representation of special districts upon the commission.*

*This bill would augment the commission in Kern County, which consists of 7 members, by the appointment of an 8th member, who shall be a member of the legislative body of the city in the county having the largest population and shall be appointed by the legislative body of that city and the appointment of a 9th member, who shall be a mayor or council member of another city in the county and shall be appointed by the city selection committee.*

~~The Planning and Zoning Law authorizes local planning agency personnel, in the performance of their functions, to enter upon any land and make examinations and surveys, provided that they do not~~

~~interfere with persons who are lawfully entitled to possession of those lands.~~

~~This bill would additionally authorize local planning agency personnel to request a specified inspection warrant and would specify the purposes for which planning agency personnel may enter any property.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 56328.5 is added to the Government  
2     Code, to read:

3     56328.5. (a) In Kern County, the commission, which consists  
4     of seven members, augmented pursuant to Section 56332, shall  
5     be additionally augmented by the appointment of an eighth  
6     member and a ninth member. The eighth member shall,  
7     notwithstanding subdivision (b) of Section 56325, be a member  
8     of the legislative body of the city in the county having the largest  
9     population, appointed by the legislative body of that city. The  
10    ninth member shall be a mayor or council member of one of the  
11    other cities in the county appointed by the city selection  
12    committee pursuant to Section 56335.

13    (b) The legislative body of the city shall appoint an alternate  
14    member at the same time and in the same manner as it appoints  
15    the eighth regular member appointed pursuant to subdivision (a).  
16    If the regular city member is absent from a commission meeting,  
17    or disqualifies himself or herself from participating in a meeting,  
18    the alternate member may serve and vote in place of the regular  
19    city member for that meeting. If the office of the regular city  
20    member becomes vacant, the alternate member may serve and  
21    vote in place of the former regular city member until the  
22    appointment and qualification of a regular city member to fill the  
23    vacancy.

24    (c) The city selection committee shall also appoint an  
25    alternate member at the same time and in the same manner as it  
26    appoints the ninth regular member appointed pursuant to  
27    subdivision (a). The alternate shall also be a mayor or council  
28    member. If the ninth regular member is absent from a  
29    commission meeting, or disqualifies himself or herself from

1 *participating in a meeting, the alternate member may serve and*  
2 *vote in place of the ninth regular member for that meeting. If the*  
3 *office of the ninth regular member becomes vacant, the alternate*  
4 *member may serve and vote in place of the former ninth regular*  
5 *member until the appointment and qualification of the ninth*  
6 *regular member to fill the vacancy.*

7 ~~SECTION 1. Section 65105 of the Government Code is~~  
8 ~~amended to read:~~

9 ~~65105. In the performance of their functions, planning agency~~  
10 ~~personnel may do either of the following:~~

11 ~~(a) Request an inspection warrant pursuant to Title 13~~  
12 ~~(commencing with Section 1822.50) of Part 3 of the Code of~~  
13 ~~Civil Procedure.~~

14 ~~(b) Where there is no reasonable expectation of privacy, and~~  
15 ~~subject to the limitations of the United States Constitution and~~  
16 ~~the California Constitution, in the performance of their functions,~~  
17 ~~planning agency personnel may enter any property for either of~~  
18 ~~the following purposes:~~

19 ~~(1) Make examinations and surveys.~~

20 ~~(2) Determine if decisions made pursuant to this title have~~  
21 ~~been complied with.~~